1 MORRISON & FOERSTER LLP
   MICHAEL A. JACOBS (Bar No. 111664)
2 mjacobs@mofo.com
   MARC DAVID PETERS (Bar No. 211725)
3 mdpeters@mofo.com
   DANIEL P. MUINO (Bar No. 209624)
4 dmuino@mofo.com
   755 Page Mill Road
5 Palo Alto, CA 94304-1018
   Telephone: (650) 813-5600 / Facsimile: (650) 494-0792
6
   BOIES, SCHILLER & FLEXNER LLP
7 DAVID BOIES (Admitted *Pro Hac Vice*)
   dboies@bsfllp.com
8 333 Main Street
   Armonk, NY 10504
9 Telephone: (914) 749-8200 / Facsimile: (914) 749-8300
   STEVEN C. HOLTZMAN (Bar No. 144177)
10 sholtzman@bsfllp.com
   1999 Harrison St., Suite 900
11 Oakland, CA 94612
   Telephone: (510) 874-1000 / Facsimile: (510) 874-1460
12
   ORACLE CORPORATION
13 DORIAN DALEY (Bar No. 129049)
   dorian.daley@oracle.com
14 DEBORAH K. MILLER (Bar No. 95527)
   deborah.miller@oracle.com
15 MATTHEW M. SARBORARIA (Bar No. 211600)
   matthew.sarboraria@oracle.com
16 500 Oracle Parkway
   Redwood City, CA 94065
17 Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

18 *Attorneys for Plaintiff*
   ORACLE AMERICA, INC.
19
                    UNITED STATES DISTRICT COURT
20   NORTHERN DISTRICT OF CALIFORNIA
                    SAN FRANCISCO DIVISION
21 ORACLE AMERICA, INC.   │ Case No. CV 10-03561 WHA
                                        │
22   Plaintiff,   │ **DECLARATION OF DANIEL P. MUINO
                                        │ IN SUPPORT OF ORACLE AMERICA,
23   v.   │ INC.'S MOTIONS *IN LIMINE* NOS. 1
                                        │ THROUGH 5**
24 GOOGLE INC.   │
                                        │ Dept.: Courtroom 8, 19th Floor
25   Defendant.   │ Judge: Honorable William H. Alsup
26
27
28

MUINO DECL. ISO MOTION *IN LIMINE* NOS. 1 THROUGH 5
CASE NO. CV 10-03561 WHA
pa-1488011

1   I, Daniel P. Muino, declare as follows:

2   I am an attorney at Morrison & Foerster LLP and am counsel of record to Plaintiff Oracle

3   America, Inc. ("Oracle"). I have personal knowledge of the matters set forth herein and, if called

4   to testify, could and would testify competently to the following.

5   1.   Attached hereto as **Exhibit A** is a true and correct copy of a Memorandum

6   Opinion and Order in *Realtime Data, LLC v. Packeteer, Inc.*, Civil No. 6:08-cv-144-LED-JDL,

7   ECF No. 805, dated December 30, 2009.

8   2.   Attached hereto as **Exhibit B** is a true and correct copy of a Memorandum

9   Opinion and Order in *Intel Corporation v. Commonwealth Scientific and Industrial Research*

10   *Organisation*, Civil No. 6:06-cv-551, ECF No. 518, dated April 9, 2009.

11   3.   Attached hereto as **Exhibit C** is a true and correct copy of AutoDesk's Motion in

12   Limine No. 2 to Exclude Evidence or Argument Regarding AutoDesk's Applications to Register

13   DWG and DWG-Based Marks, ECF No. 209, dated December 23, 2009.

14   4.   Attached hereto as **Exhibit D** is a true and correct copy of excerpts from the

15   Transcript of Proceedings in *Autodesk, Inc. v. Dassault Systemes Solidworks Corporation*, Case

16   No. C 08-04397-WHA, ECF No. 240, dated December 30, 2009.

17   5.   On September 9, 2011, Google Inc. served Oracle America, Inc. its Fifth

18   Supplemental Privilege Log. The privilege log is over 1200 pages and contains many entries

19   identifying privileged legal opinions that have been withheld from Oracle.

20   6.   Attached hereto as **Exhibit E** is a true and correct copy of excerpts from the

21   deposition transcript of Andrew Rubin taken on July 27, 2011 in this matter.

22   7.   Attached hereto as **Exhibit F** is a true and correct copy of excerpts from the

23   deposition transcript of Daniel Bornstein taken on May 16, 2011 in this matter.

24   8.   Attached hereto as **Exhibit G** is a true and correct copy of excerpts from the

25   deposition transcript of Bob Lee taken on August 3, 2011 in this matter.

26   9.   Attached hereto as **Exhibit H** is a true and correct copy of Defendant Google

27   Inc.'s Responses to Plaintiff's Interrogatories, Set One, dated January 6, 2011.

28

1   10.   Attached hereto as **Exhibit I** is a true and correct copy of excerpts from Defendant

2   Google Inc.'s Responses to Plaintiff's Interrogatories, Set Four, dated July 29, 2011.

3   11.   Attached hereto as **Exhibit J** is a true and correct copy of Plaintiff's Notice of

4   Deposition of Defendant Google Inc. Pursuant to Fed. R. Civ. P. 30(b)(6), Topics 4-9, dated June

5   21, 2011.

6   12.   Attached hereto as **Exhibit K** is a true and correct copy of excerpts from the

7   deposition transcript of Patrick Brady taken on July 21, 2011 in this matter.

8   13.   Attached hereto as **Exhibit L** is a true and correct copy of excerpts from the

9   Expert Report of David I. August, Ph.D. Regarding the Non-Infringement of U.S. Patent No.

10   6,910,205 dated August 25, 2011.

11   14.   Attached hereto as **Exhibit M** is a true and correct copy of excerpted pages from

12   the deposition transcript of David I. August taken on September 16, 2011.

13   15.   Attached hereto as **Exhibit N** is a true and correct excerpt of Defendant Google

14   Inc.'s First Set of Requests for Admission to Plaintiff Oracle America, Inc. (Nos. 1 – 429).

15   16.   Attached hereto as **Exhibit O** is a true and correct excerpt of the deposition

16   transcript of Owen Astrachan, taken on September 9, 2011 in this matter.

17   17.   Attached hereto as **Exhibit P** is a true and correct copy of a document produced by

18   Google bearing bates number GOOGLE-12-100000011, the August 6, 2010 email from Tim

19   Lindholm. Google produced this document on August 27, 2011.

20   18.   Attached hereto as **Exhibit Q** is a true and correct copy of excerpts from the

21   deposition transcript of Tim Lindholm taken on September 7, 2011in this matter.

22   19.   Attached hereto as **Exhibit R** is a true and correct copy of excerpts from the

23   30(b)(6) deposition of Daniel Bornstein taken on July 22, 2011 in this matter.

24

25

26

27

28

1   I declare under penalty of perjury under the laws of the United States that to the best of

2   my knowledge the foregoing is true and correct. Executed on September 24, 2011, in Palo Alto,

3   California.

4

5   /s/ *Daniel P. Muino*
                                                         Daniel P. Muino

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28